



05-22-01 09775769-12 MAY 2001

JC19 Rec'd PCT/PTO

D-17795-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 09/775,760

Group Art Unit: 1623

Inventor(s): Mallon et al.

Filed: 2/2/01

Title: PRODUCTION OF POLYSACCHARIDE ETHERS

NOTICE TO FILE MISSING PARTS OF
NON-PROVISIONAL APPLICATION

Hon. Assistant Commissioner for Patents
Washington, DC 20231

Sir:

This communication is in response to the Notice to File Missing Parts of Non-Provisional Application dated March 30, 2001.

It is noted that the above-identified patent application is a U.S. national filing under 35 U.S.C. 371. The following are the particulars of the application.

International Application No.: PCT/US99/17597

International Filing Date: August 3, 1999

Priority Dated Claimed: August 4, 1998

(Provisional No. 60/095,263)

Applicants: Charles B. Mallon
John S. Vames
John I. Sarlis
Benito See
David M. Trampe
Rathin Datta

Due to an apparent clerical error, applicants' file does not contain copies of Form PTO-1390, "Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning A Filing Under 35 U.S.C. 371". Accordingly, enclosed in Appendix A is a Substitute Form PTO-1390 for the above-identified application.

Date of Deposit MAY 21 2001 "EXPRESS MAIL"
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231

EL180389077US
Carolyn Vandergrift
(Typed or printed name of person mailing paper or fee)
Carolyn Vandergrift
(Signature of person mailing paper or fee)



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D-17795-2

It is requested that a Corrected Filing Receipt be generated by the PTO. Enclosed in Appendix B is a marked-up copy of the Filing Receipt dated March 30, 2001.

In the Notice to File Missing Parts, it was alleged that the oath or declaration was missing. It is noted that an executed Declaration For Utility or Design Patent Application (Form PTO/SB/01) was filed with the U.S. Receiving Office on August 3, 1999 (copy enclosed in Appendix C).

Also, in the Notice to File Missing Parts it was alleged that:

The required item(s) identified below must be timely submitted to avoid abandonment:

- The Claim(s) commencing on a separate sheet (37 CFR 1.75(h)).
- A substitute specification in compliance with 37 CFR 1.52 because:
 - ♦ Line spacing on the specification, claims, or abstract is not 1 1/2 or double spaced (See 37 CFR 1.52(b)).
- An abstract was not provided for this application. An abstract of the technical disclosure is required under 37 CFR 1.72(b).

It is believed that the International Bureau has communicated, or shall communicate, amended claims (dated July 26, 2000) to the U.S. Designated Office and that the specification and abstract are presently on file in the U.S. Receiving Office. Nevertheless, for the convenience of the PTO, enclosed in Appendix D is a Substitute Specification under 37 CFR 1.125. The substitute specification is equivalent to application PCT/US99/17597, is believed to be the specification of record and contains no new matter.

Also filed herewith is a Preliminary Amendment in order to bring the claims in the substitute specification in conformance with the claims as amended on July 26, 2000 in the International Examination.

A copy of the Notice of File Missing Parts is enclosed as Appendix E.

An early and favorable Office Action is courteously solicited.

Respectfully submitted,



Warren K. Volles
Reg. No. 33,810
Attorney for Applicant(s)
(203) 794-6360
37 CFR 1.34(a)

Union Carbide Corporation
Danbury, Connecticut 06817-0001
Dated: May 21, 2001
PAT 160A:5.98



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 09/775,760 | 02/02/2001 | Charles B. Mallon | 17795-2-PC |

CONFIRMATION NO. 5787

FORMALITIES LETTER



UNION CARBIDE CORP.
39 OLD RIDGEBURY ROAD
DANBURY, CT 06817

Date Mailed: 03/30/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).


- The oath or declaration is missing.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- The Claim(s) commencing on a separate sheet (37 CFR 1.75(h)).
- A substitute specification in compliance with 37 CFR 1.52 because:
 - Line spacing on the specification, claims, or abstract is not 1-1/2 or double spaced (See 37 CFR 1.52(b)).
- An abstract was not provided for this application. An abstract of the technical disclosure is required under 37 CFR 1.72(b).

*A copy of this notice **MUST** be returned with the reply.*

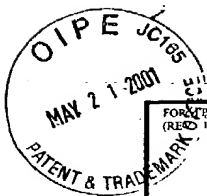


Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE






09775760 .052101
JC07 Rec'd PCT/PTO 21 MAY 2001

| | | | |
|---|---|---|---|
| FORM PTO-1390 (REV. 11-2000) | | U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE | ATTORNEY'S DOCKET NUMBER 17795-2 |
| SUBSTITUTE TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371 | | | U.S. APPLICATION NO. (If known, fill in) 10/048896 09/775,760 |
| INTERNATIONAL APPLICATION NO. PCT/US99/17597 | INTERNATIONAL FILING DATE August 3, 1999 | PRIORITY DATE CLAIMED August 4, 1998 | |
| TITLE OF INVENTION PRODUCTION OF POLYSACCHARIDE ETHERS | | | |
| APPLICANT(S) FOR DO/EO/US Charles B. Mallon et al. | | | |
| Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information: | | | |
| <p>1. <input type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.</p> <p>2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.</p> <p>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input checked="" type="checkbox"/> The US has been elected by the expiration of 19 months from the priority date (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))</p> <p>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</p> <p>b. <input type="checkbox"/> has been communicated by the International Bureau.</p> <p>c. <input checked="" type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).</p> <p>a. <input type="checkbox"/> is attached hereto</p> <p>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</p> <p>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))</p> <p>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</p> <p>b. <input checked="" type="checkbox"/> have been communicated by the International Bureau.</p> <p>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</p> <p>d. <input type="checkbox"/> have not been made and will not be made</p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). (COPY)</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p> | | | |
| Items 11 to 20 below concern document(s) or information included: | | | |
| 11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. | | | |
| 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. | | | |
| 13. <input type="checkbox"/> A FIRST preliminary amendment. | | | |
| 14. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment. | | | |
| 15. <input checked="" type="checkbox"/> A substitute specification. | | | |
| 16. <input type="checkbox"/> A change of power of attorney and/or address letter. | | | |
| 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter 2 and 35 U.S.C. 1.821 - 1.825. | | | |
| 18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4) | | | |
| 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). | | | |
| 20. <input type="checkbox"/> Other items or information: | | | |

10/048896

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|---|--------------|--|-----------|---|----|
| U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 09/775,760 | | INTERNATIONAL APPLICATION NO. PCT/US99/17597 | | ATTORNEY'S DOCKET NUMBER 17795-2 | |
| 21. <input checked="" type="checkbox"/> The following fees are submitted: BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)): Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO. \$1000.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$860.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$710.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$690.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00 ENTER APPROPRIATE BASIC FEE AMOUNT = | | | | CALCULATIONS PTO USE ONLY | |
| Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)). | | | | \$130.00 | |
| CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE | \$ | |
| Total claims | 19 - 20 - | | x \$18.00 | \$ | |
| Independent claims | 2 - 3 = | | x \$80.00 | \$ | |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable) | | | | + \$270.00 \$ | |
| TOTAL OF ABOVE CALCULATIONS = | | | | \$990.00 | |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2. | | | | + | |
| SUBTOTAL = | | | | \$ | |
| Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)). | | | | \$ | |
| TOTAL NATIONAL FEE = | | | | \$ | |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property + | | | | \$ | |
| TOTAL FEES ENCLOSED = | | | | \$990.00 | |
| | | | | Amount to be refunded: | \$ |
| | | | | charged: | \$ |
| a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed. b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>21-0100</u> in the amount of <u>\$990.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>21-0100</u> A duplicate copy of this sheet is enclosed d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. | | | | | |
| NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status. SEND ALL CORRESPONDENCE TO. | | | | | |
| | | | |  SIGNATURE | |
| | | | | <u>WARREN K VOLLES</u> NAME | |
| | | | | <u>33,810</u> REGISTRATION NUMBER | |
| | | | | 37 CFR 1.34(a) | |